

REMARKS

Claims 21-30 are added herein to recite similar language in allowed claims 1-7 and 11-20. Claims 1-8 and 10-30 now remain pending in the application.

The Applicants respectfully request the Examiner to reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

Allowable Claim

The Applicants thank the Examiner for the indication that claims 1-7 and 11-20 are allowed.

The Applicants thank the Examiner for the indication that claim 10 contains allowable subject matter. Claim 10 is amended herein to be in independent form. Claim 10 is now in condition for allowance.

Claim 8 over Mallory

In the Office Action, claim 8 was rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 2002/0006136 to Mallory et al. ("Mallory"). The Applicants respectfully traverse the rejection.

Claim 8 recites determining whether a predetermined period of time since a first message that was received is expired, the predetermined period of time based on a maximum round trip delay that a packet takes to travel to a border node and back.

The Office Action acknowledges that Mallory discloses a second station is capable of using a first or second protocol (Office Action, page 2). When a timer expires after receiving a first message of a first protocol, the second station uses the second protocol instead of the first protocol (Office Action, page 2).

The timer that the Examiner relies on in Mallory is used to determine when a message is sent using a second protocol instead of a first protocol. Mallory discloses delays within the system as a consideration for

maintaining a quality Voice over IP (VoIP) service (0481). However, Mallory fails to disclose or suggest timing packet delays within the system, i.e., determining whether a predetermined period of time since a first message that was received is expired, the predetermined period of time based on a maximum round trip delay that a packet takes to travel to a border node and back, as recited by claim 8.

Accordingly, for at least all the above reasons, claim 8 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,
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